



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/235,120 01/21/99 PURI

A ORCL5543

EXAMINER

TM02/1019

ALAN W YOUNG  
YOUNG LAW FIRM, P.C.  
4370 ALPINE ROAD  
SUITE 106  
PORTOLA VALLEY CA 94028

BASHORE, A

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/235,120

Applicant(s)

PURI ET AL.

Examiner

Alain L. Bashore

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8-28-01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 1, 3, 5, 11-13, 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Claim Objections**

1. Claims 1, 3, 5, 11-13, 17-19 are objected to because of the following informalities: The phrase "business activity" in claims 1, 3, 12-13, and 17-19 is considered vague and indefinite. What may be considered a business activity to some may be considered a non-business activity to others. Regarding the phrase "in furtherance of the business activity" in claims 1, 5, 11 and 12 is also considered vague and indefinite. What might "further" a business activity to some may be a "hindrance" to others. In claim 1, line 4, the word "and" is confusing, it appears that it should be "or". Appropriate correction is required.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. Morgan et al. discloses a computer implemented actual costing method for collecting and presenting an actual cost of performing a business activity. Actual costs of performing at least one of: a job performed, an item manufactured or an item purchased, is collected. There is implemented a selected accounting costing

method for actual cost collection and a selected costing method for actual cost presentation. Regarding claim 2, the costing methods are considered well known per se in the accounting art, and therefore would be obvious to one with ordinary skill in the art at the time of invention to utilize within the practice of the invention to Morgan et al.

Morgan et al. discloses a computer system to compute an actual cost of performing a business activity from collected actual costs incurred. There is disclosed by Morgan et al. at least one processor, at least one data storage device, and processing logic. Regarding functional limitations recited in claims 12-16, it is the examiner's position that the computer system to Morgan et al. can inherently perform the recited functions.

Morgan et al. inherently provides for a machine-readable medium having stored thereon data representing sequences of instructions which, when executed by a computer system performs specific steps. The steps include: inherently collecting actual cost of each of a plurality of constituent items or operations. There is also inherently the storing each unique logical structure to create an organization of unique logical structures configured to allow actual cost of the business to be ascertained at any stage of a performance thereof.

With respect to the recitations in claims 18-27 regarding logic and data structure, it is the Examiner's position that the all recitations are inherently found in Morgan et al. since Morgan et al. discloses data, logic, and a computer system.

Morgan et al. does not specifically disclose, in the method, system, or machine-readable medium, the phrase "cost source identifier". Morgan et al. also does not specifically disclose independence of the accounting costing method for actual cost collection from the accounting costing method for cost presentation. It is the examiner's position that a cost source identifier is inherently present. As an alternative interpretation, it would be obvious to one with ordinary skill in the art at the time of the invention to use cost source identifiers since Morgan discloses a relational database. Any information inputted into a relational database must have an identifier associated with the data input. Regarding independence of costing methods claimed, it would be obvious to one with ordinary skill in the art at the time of the invention to have use independent costing methods since Morgan et al. discloses "user-definable ad-hoc reports" such that costing methods disclosed can be made independent of each other.

4. Applicant's arguments filed 28 August 2001 have been fully considered but they are not persuasive. Argument regarding the reference to Castelaz is moot since the reference has been dropped from the art rejection. Regarding cost source identifiers, there is described above in the rejection the reasoning for inherency or obviousness regarding the claimed limitations. Direct downloading does not preclude the inherent presence of a cost source identifier, or various inputs each inherently

providing a new cost source identifier. The Official Notice of the previous office action is hereby vacated; therefore all argument regarding such is now moot.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Downes is provided to show the prior art regarding FIFO and LIFO..

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

  
**VINCENT MILLIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:15 am to 4:45 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Alain L. Bashore  
October 15, 2001